

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

#5

In re application of:

Blankenship, et al.

Art Unit: 1754

Serial No.: 10/025,663

Examiner:

Filing Date: 19 December 2001

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Attorney Docket No. P-1106

APR 24 mor

For: PROCESS FOR PRODUCTION AND DISTRIBUTION OF A PREREDUCED

SELECTIVE HYDROGENATION CATALYST

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. In accordance with 37 CFR §1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. This information is submitted in compliance with 37 CFR §1.98 and includes the documents cited in an International Search Report from the European Patent Office dated April 16, 2003.

References

US 4,455,391

US 4,748,145

Respectfully submitted,

Scott R. Cox

Reg. No. 31,945

LYNCH, COX, GILMAN & MAHAN, P.S.C.

400 West Market St, Suite 2200

Louisville, Kentucky 40202

APR : A

CERTIFICATE OF SERVICE

TC 1700

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service in an envelope addressed to the Hon. Commissioner for Patents, Washington, D.C. 20231.

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6-41 FORM 6-3 APR 2 3 2003 APR 24 mms P-1106 Practitioner's Docket No. IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Patent application Inventor(s) Title of invention

OR

In re application of: Blankenship, et al.

Application No.: 10 / 035, 663 ~

Group Art Unit: 1754

Filed: December 19,2001 -

Examiner:

For: Process forproduction and distribution of a preveduced selective hydrogenation catalyst.

Assistant Commissioner for Patents

Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a)	CERTIFICATE	OF	MAILING	/TRANSMISSION	137	C.F.R.	6 1.8(a)
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I hereby certify that this correspondence is, on the date shown below, being:

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deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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SHERRY A. BARNFIELD

(type or print name of person certifying)

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuationsin-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner."

Notice of July 6, 1992 (1141 O.G. 63).

SIGNATURE OF PRACTITIONER

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SCOTT R. COX

Tel. No.: (502 589-4215

(type or print name of practitioner)

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 2 of 2)

(Rel,77—1098 Pub,605) FORM 6-3 6-42

FORM 6-1	6-13



Practitioner's Docket No. _____

P-1106

PATENT

IN THE U	NITED STATES PATENT AND TR	ADEMARK OFFICE
Patent application		
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	Inventor(s)	TECO.
for		APR CIVE
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the specification of	which is being transmitted herewith	TOO
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In re application of:	Blankenship, et al.	
Serial No.: 10/ Filed: December 19	Group No.: 1754 9,2001 Examiner:	prereduced selective hydrogenation— catalyst
. Process torp	production and distribution of a	prereduced selective hydrogenation
41-44-0		catalyst
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Washington, D.C.	10231	
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4		1996, 60 Fed. Reg. 56,439, at 58,442.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry if the national stage as set forth in § 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).
- NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all Information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1.	Ø	Preliminary Statements
2.	Ø	FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3.		Statement as to Information Not Found in Patents or Publications
4.	O	Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5.		Cumulative Patents or Publications
6.	Ø	Coples of Listed Information Items Accompanying This Statement
7.		Concise Explanation of Non-English Language Listed Information Items
		7A. EPO Search Report
		78. English Language Version of EPO Search Report
8.		Translation(s) of Non-English Language Documents
9.		Concise Explanation of English Language Listed Information Items (Optional)
10.	Ø	Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections , respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."

"Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).



Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SEE INFORMATION DISCLOSURE STATEMENT

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Approved for use through 103/09, 048/0531-0031

Patent and Trademark Office U.S. DEPARTMENT OF COMMENCE

Under the Pacentral Projection Act of 1993, no persons are received to rescord to a confection of information university a variety of MC control inventors. Complete # Known Subsettute for form 1449A/PTO **Application Number** 10/025,663 INFORMATION DISCLOSURE Filing Date December 19, 200 STATEMENT BY APPLICANT First Named Inventor Blankenship, et al Group Art Unit (use as many sheets as necessary) **Examiner Name**

Attorney Docket Number

U.S. PATENT DOCUMENTS U.S. Patent Document Pages, Columns, Lines, Where Relevant ate of Publication of Herne of Patentee or Applicant of Otted Document Here Relevant seget or Relevant **Clad Document** MM-00-YYYY (1000) Flores Appear 4.456.391 06/19/1984 Kitchener 4,748,145 wood etal. જીકિયા 1988

	FOREIGN PATENT DOCUMENTS							
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"EXAMINER: Initial if reference considered, whether or not clistion is in conformence with MPEP 609. Draw line through citation if not in conformence and not considered. Include copy of this form with next communication to applicant.

* Unique clasion designation number. * See attached Kinds of U.S. Patent Documents. * Enter Office that issued the document, by the two-latter code (WPO Standard 8T.3). * For Japanese patent documents, the indication of the year of the seign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard 8T, 16 if possible. Applicant is to place a check mark here if English language Translation is stached.

Burden Hoar Statement: This form is estimated to take 2.0 hours to complete. Time will very depending upon the needs of the individual case. Any comments on the smourt of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Convincioner for Patents, Washington, DC 20231.





Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this state	ment is
	(check each applicable item)
(a) ithe inventor(s)	(check each applicable item) who signs below SIGNATURE OF INVENTOR (type name of inventor who is signing)
•	SIGNATURE OF INVENTOR
	(type name of inventor who is signing)
• •	ssociated with the filing and prose- application (37 C.F.R. 1.56(c))
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	(type name of inventor who is signing)
(c) I the practitione the information	r who signs below on the basis of
	(check each applicable item)
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	lied by an individual associated with the filing and prosecution application. (37 C.F.R. 1.56(c))
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	SIGNATURE OF PRACTITIONER
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